

Senate Bill No. 106

Passed the Senate August 31, 2005

Secretary of the Senate

Passed the Assembly August 30, 2005

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 18424 of, and to amend and repeal Sections 18400.1 and 18502 of, the Health and Safety Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 106, Dunn. Mobilehome Parks Act.

(1) The Mobilehome Parks Act requires the Department of Housing and Community Development or a city, county, or city and county that assumes responsibility for the enforcement of the act to enter and inspect mobilehome parks every 7 years to ensure enforcement of the act and implementing regulations. Existing law requires an enforcement agency to issue notice to correct a violation. Existing law requires a city, county, or city and county that relinquishes enforcement authority to the department to remit to the department annual operating permit fees that have been collected but not expended. Existing law repeals these provisions on January 1, 2007.

This bill would extend the repeal date of these provisions to January 1, 2008, and would require a city, county, or city and county that relinquishes enforcement authority to the department to submit a report to the department on the parks that were inspected by the local agency.

(2) The Mobilehome Parks Act requires an annual operating permit fee of \$25 and an additional \$2 per lot or camping party, as specified. In addition, existing law requires, except for a special occupancy park, an additional annual fee of \$4 per lot and requires this additional \$4 fee to be used exclusively for the inspection of mobilehome parks and mobilehomes. Existing law repeals the additional \$4 fee per lot on January 1, 2007.

This bill would raise the additional \$4 fee to \$6, extend the repeal date of the additional \$6 fee per lot to January 1, 2008, and delete on January 1, 2008, the \$2 fee paid by camping parties that are accommodated in an incidental camping area.

The people of the State of California do enact as follows:

SECTION 1. Section 18400.1 of the Health and Safety Code is amended to read:

18400.1. (a) In accordance with subdivision (b), the enforcement agency shall enter and inspect mobilehome parks, as required under this part, at least once every seven years, to ensure enforcement of this part and the regulations adopted pursuant to this part. The enforcement agency's inspection shall include an inspection of the exterior portions of individual manufactured homes and mobilehomes in each park inspected. Any notices of violation of this part shall be issued pursuant to Chapter 3.5 (commencing with Section 18420).

(b) In developing its mobilehome park maintenance inspection program, the enforcement agency shall inspect the mobilehome parks that the enforcement agency determines either:

(1) Had the most serious, or a substantial number of serious, health and safety violations as a result of inspections of the parks made pursuant to the mobilehome park maintenance inspection program during the 1991 through 1999 phase of the program.

(2) Have complaints that have been made to the enforcement agency regarding serious health and safety violations in the park. A single complaint of a serious health and safety violation shall not automatically trigger an inspection of the entire park unless upon investigation of that single complaint the enforcement agency determines that there is a violation and that an inspection of the entire park is necessary.

(c) Nothing in this part shall be construed to allow the enforcement agency to issue a notice for a violation of existing laws or regulations that were not violations of the laws or regulations at the time the mobilehome park received its original permit to operate, or the standards governing any subsequent permit to construct, or at the time the manufactured home or mobilehome received its original installation permit, unless the enforcement agency determines that a condition of the park, manufactured home, or mobilehome endangers the life, limb, health, or safety of the public or occupants thereof.

(d) Not less than 30 days prior to the inspection of a mobilehome park under this section, the enforcement agency shall provide individual written notice of the inspection to the

registered owners of the manufactured homes or mobilehomes, with a copy of the notice to the occupants thereof, if different than the registered owners, and to the owner or operator of the mobilehome park and the responsible person, as defined in Section 18603.

(e) At the sole discretion of the enforcement agency's inspector, a representative of either the park operator or the mobilehome owners may accompany the inspector during the inspection if that request is made to the enforcement agency or the inspector requests a representative to accompany him or her. If either party requests permission to accompany the inspector or is requested by the inspector to accompany him or her, the other party shall also be given the opportunity, with reasonable notice, to accompany the inspector. Only one representative of the park owner and one representative of the mobilehome owners in the park may accompany the inspector at any one time during the inspection. If more than one representative of the mobilehome owners in the park requests permission to accompany the inspector, the enforcement agency may adopt procedures for choosing that representative.

(f) The enforcement agency shall coordinate a preinspection orientation for mobilehome owners and mobilehome park operators with the use of an audio-visual presentation furnished by the department to affected local enforcement agencies. Enforcement agencies shall furnish the audio-visual presentation to park operators and mobilehome owner representatives in each park subject to inspection not less than 30 days prior to the inspection. Additionally, it is the Legislature's intent that the department shall, where practicable, conduct live presentations, forums, and outreach programs throughout the state to orient mobilehome owners and park operators on the mobilehome park maintenance inspection program and their rights and obligations under the program.

(g) Any local enforcement agency that relinquishes enforcement authority to the department shall do both of the following:

(1) Submit a report to the department on the parks that were inspected by the local agency pursuant to this section until the proposed relinquishment, including the number and types of citations corrected and remaining uncorrected in each park.

(2) Remit to the department fees collected pursuant to paragraph (2) of subdivision (c) of Section 18502 that have not been expended for purposes of that paragraph.

(h) Notwithstanding Section 7550.5 of the Government Code, the department, before January 1, 2007, shall submit a report to the appropriate Senate and Assembly committees evaluating the mobilehome park inspection program during the phase that began on January 1, 2000, and making recommendations for changes to make the inspection program operate more effectively in the future if it should be extended by the Legislature. The report shall include, but not be limited to, all of the following:

(1) The amount of fees collected and expended for the inspection program.

(2) The number of parks and spaces that were inspected.

(3) The number of violations noticed against parks and against mobilehome owners.

(4) The number of violations corrected and the number remaining uncorrected.

(5) The most common park violations and the most common homeowner violations.

(i) This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

SEC. 2. Section 18424 of the Health and Safety Code is amended to read:

18424. This chapter shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2008, deletes or extends that date.

SEC. 3. Section 18502 of the Health and Safety Code, as amended by Section 22 of Chapter 434 of the Statutes of 2001, is amended to read:

18502. Fees as applicable shall be submitted for permits:

(a) Fees for a permit to conduct any construction subject to this part as determined by the schedule of fees adopted by the department.

(b) Plan checking fees equal to one-half of the construction, plumbing, mechanical, and electrical permit fees, except that the minimum fee shall be ten dollars (\$10).

(c) (1) An annual operating permit fee of twenty-five dollars (\$25) and an additional two dollars (\$2) per lot.

(2) An additional annual fee of six dollars (\$6) per lot shall be paid to the department or the local enforcement agency, as appropriate, at the time of payment of the annual operating fee. All revenues derived from this fee shall be used exclusively for the inspection of mobilehome parks and mobilehomes to determine compliance with the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)) and any regulations adopted pursuant to the act and for no other purpose.

(3) The Legislature hereby finds and declares that the health and safety of mobilehome park occupants is a matter of public interest and concern and that the fee paid pursuant to paragraph (2) shall be used exclusively for the inspection of mobilehome parks and mobilehomes to ensure that the living conditions of mobilehome park occupants meet the health and safety standards of this part and the regulations adopted pursuant thereto. Therefore, notwithstanding any other provisions of law or local ordinance, rule, regulation, or initiative measure to the contrary, the holder of the permit to operate the mobilehome park shall be entitled to directly charge one-half of the per lot additional annual fee specified herein to each homeowner, as defined in Section 798.9 of the Civil Code. In that event, the holder of the permit to operate the mobilehome park shall be entitled to directly charge each homeowner for one-half of the per lot additional annual fee at the next billing for the rent and other charges immediately following the payment of the additional fee to the department or local enforcement agency.

(d) Change in name fee or transfer of ownership or possession fee of ten dollars (\$10).

(e) Duplicate permit fee or amended permit fee of ten dollars (\$10).

(f) This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

SEC. 4. Section 18502 of the Health and Safety Code, as amended by Section 8 of Chapter 520 of the Statutes of 1999, is repealed.

SEC. 5. Section 18502 of the Health and Safety Code, as amended by Section 9 of Chapter 520 of the Statutes of 1999, is amended to read:

18502. Fees as applicable shall be submitted for permits:

(a) Fees for a permit to conduct any construction subject to this part as determined by the schedule of fees adopted by the department.

(b) Plan checking fees equal to one-half of the construction, plumbing, mechanical, and electrical permit fees, except that the minimum fee shall be ten dollars (\$10).

(c) An annual operating permit fee of twenty-five dollars (\$25) and an additional two dollars (\$2) per lot.

(d) Change in name fee or transfer of ownership or possession fee of ten dollars (\$10).

(e) Duplicate permit fee or amended permit fee of ten dollars (\$10).

(f) This section shall become operative on January 1, 2008.

Approved _____, 2005

Governor